



Lamoine Board of Selectmen

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Minutes – June 25, 2015

Chair Gary McFarland called the meeting to order at 7:00 AM.

Present were: Selectmen Nathan Mason, Gary McFarland, Heather Fowler, Bernie Johnson, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Recreation Committee Chair Greg Stone, Interim Code Enforcement Officer Millard Billings, Comprehensive Planning Committee members Valerie Sprague, Richard McMullen, Code Enforcement Officer Michael Jordan, Gravel pit agent Steve Salsbury, Kathleen Rybarz, Bruce Gillette, and Planning Board chair John Holt.

Agenda Review - No changes to the printed agenda and addendum were proposed.

Minutes – June 8, 2015 – Heather moved to approve the minutes of June 8, 2015 as written. Nathan 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 26 – Selectmen signed warrant 26 in the amount of \$90,229.88. Stu noted approximately \$60,000 was for school expenses.

Expenditure Warrant 1 – Selectmen signed warrant 1 in the amount of \$127,379.89. Stu said this would be expended after July 1, 2015. He explained that the first payment on the boat loan was on this warrant as payable to the fire department because the loan payment was due on June 28, 2015 and not budgeted for FY 2016. He said the fire department made that payment and the expenditure would reimburse the fire department for that.

Cash & Budget Report – Stu reported cash flow is very strong, and it looks like the town will end the fiscal year next week with more than \$1.4 million in the bank. He said there will be paving and school expenses in July that will draw some of that down.

Tax Lien Notices – Stu reported the office sent out 153 notices since the previous meeting. He said a computer data error inadvertently added the \$9.75 fee in twice. He said overpayments have been credited to the next tax bill.

Encumbrance Order – Stu explained each item on the proposed encumbrance order. There was one question about the Anderson Garage maintenance item. Jo moved to approve the proposed order. Heather 2nd. **Vote in favor was 5-0, Selectmen signed the order.**

Meeting with Interim Code Enforcement Officer – Millard Billings introduced himself and confirmed he was willing to serve on an interim basis. Jo asked which other towns he served. Mr. Billings said he works in part time code enforcement capacity in Franklin, Sullivan, Winter Harbor, as an assessor in Holden, and is the manager of Unorganized Territories in Hancock County. Bernie asked what he had in mind for office hours schedule. Mr. Billings said he would like to work on Wednesday afternoons. He said he's available by cell phone and e-mail as well. Stu said he prefers to have people call

the office and he will forward messages to him. Gary asked if the proposed \$25/hour pay rate was OK. Mr. Billings confirmed that it was. Jo said the town is fortunate to have him available.

Bernie asked about the search process and said Mr. Billings may apply for the job if he chooses. He asked if there would be an ad in the newspaper. Stu said that was one of the plans. He said he would put it on the Maine Municipal Association website, the town's website and on the CEO association website. Heather asked about the candidate pool. Steve Salsbury says it's not very deep. Heather moved to approve the advertisement as drafted. Gary 2nd. **Vote in favor was 5-0.**

Gravel Ordinance – Pit Operators – Gary McFarland said they got a copy of a letter from Steve Salsbury, the agent for several gravel operators. Mr. Salsbury said he reviewed the copy of draft 8 of the proposed ordinance changes, and the issue of setbacks has not been addressed. He said the setback issue really stands out. He said he's not sure that he understands the setback from a public water supply issue either.

Gary said he's not sure that the draft is the final draft. Planning Board Chair John Holt said the public water supply concerns the Cold Spring Water Company and the discussion at the last meeting had to do with the 1,500-foot setback from the company's well head. He said the underground water supply includes anything over the recharge area. He said the matter came up in a hearing on proposed pits in order to protect the recharge area. He said the matter could be revisited.

Mr. Salsbury said the draft does not propose to change the setbacks to the 2012 rules. He said that was his clients' biggest concern for existing pits. He said the town is free to do what it wants with new pits. Gary asked if the previous setback was 50-feet, with an option for 10-feet with abutter permission. Mr. Salsbury said that was correct and he is requesting to put that out to voter consideration. Bernie said that was the area that created the most discussion. Jo said the issue is so contentious that the board could not come up with something to present to voters. Nathan said it was the one issue that the Planning Board and Selectmen could not come to agreement on.

Mr. Holt said a gravel pit has a permitted life, and it has always been that way. He said when a permit expires, the next permit is for a new pit, and the pit's permit does not exist in perpetuity. He said there has been no taking of anything. He said when a permit expires, the property owner does not have a right to take anything without a permit. He said if the Selectmen feel that a smaller setback is proper, it could be recommended. He said the memorandum from Mr. Salsbury is a threat to sue the town again. He said taking is not an issue. He said there could be a recommendation for a smaller setback, and that should have nothing to do with a lawsuit. He said Mr. Salsbury is doing his job as a lobbyist for his clients. He said the Planning Board's job is to lobby for the citizens of the town. He said if a decreased setback is recommended, it should be because it is for the good of the town.

Gary said when pits were permitted prior to 2013 they were allowed the smaller setbacks, and now they are not. Mr. Holt said he understands the frustration. Nathan

said when people buy a property, they are under the assumption that they can use the property with the ordinances that are in place. He said when they can't use it it's a taking. There was a brief discussion about the takings issue.

Gary said this is not the final draft. Nathan said he doesn't like being threatened. Jo said the Selectmen felt the draft was as far as they could go to have something to present to the town.

Valerie Sprague said many pieces of the ordinance were discussed by the gravel working group a year ago. She said setbacks were not one of the issue. She said at the Planning Board, there was discussion that some towns had a 300-foot setback and this was a compromise to that. She said things change for everybody.

Mr. Salsbury asked what the time line was for moving the changes to the voters. Gary said this will be on the next agenda and perhaps this will get toward the final draft. Mrs. Sprague said the setback is a safety issue and addresses property depreciation as well as adverse impacts on neighboring property. Mr. Salsbury asked if the meeting next month would set a time line for going to a vote. Gary said he hopes to wrap this up on July 16th. Bernie said he would like to see an example of how the change in setback affects a pit operator. Nate said he would like to know how many pits are affected. Mr. Salsbury said there are three or four pits with the 10-foot agreements. Nathan said there seem to be very few scenarios where the change in setback affects anyone.

Recreation Committee – Gary said there is a resignation from the committee and asked if that is a different issue from what committee chair Greg Stone wished to discuss. Mr. Stone said yes, and that he was aware of the resignation. He said he was asked to come back last month with information on the Slow Ride Sunday. He said a proposal and a map were sent out. He said they planned to advertise the event locally, using road banners and flyers. He said Cadillac Mount Sports is on board as a sponsor. He said the event would run from 11am to 4pm with guided rides, starting at the school. He explained the proposed routes. He said he hoped to recruit some help at the same time. Gary said he didn't see contact names on the flyer. Mr. Stone said that would be on the handout and a response truck would be based at the school. He said the Sheriff's Department may have some bike helmets to hand out as well. He said the event would start on July 19, 2015 with a rain date on July 26, and it might run once a month. He said the thought of having it at the school was to feature the school as more of a community center.

Water Testing – Gary said the water test results were in the Selectmen's packet for the night. Stu said he is amazed at how consistent the test levels have been over the years. A brief discussion followed.

Electronic Waste Collection – Stu reported everything appears to be in place for the collection on July 11, 2015 from 8am to 1pm at the Salt/Sand shed. He said he's contacted the Conservation Commission for volunteers. In response to a question from Bernie, he said the CF light bulbs can be brought to the site.

Security System – Stu said he sent an inquiry to other municipal managers about security system. Gary noted there were various responses, and a wide range of costs, with some relatively inexpensive systems. Stu said the question is whether the Selectmen wish to install security cameras. Nathan asked how much vandalism there has been to the office in the past 4-5 years. Stu said there have been 2 or 3 incidents in that time. A lengthy discussion followed on whether to install a system. The board agreed to leave this matter for a future discussion.

Veterans Graves Contract – Stu said the latest draft from the Forest Hill Cemetery Association's attorney was one he could recommend. Nate moved to approve the contract as drafted. Heather 2nd. **Vote in favor was 5-0. Selectmen signed the contract.** Stu said he would send it to the Cemetery Association for their signature and once that is done, the funds can be scheduled for payment.

Guest Mooring – Stu said the estimate from Hamilton Marine was higher than approved at the last meeting, and no policy for a guest mooring has been proposed yet. He said he would ask other communities if they might have a policy. Bernie moved to approve \$1,302.97 for guest mooring hardware. Jo 2nd. **Vote in favor was 5-0.**

State Park – Overnight Parking – Stu reported that he spoke with park manager Charlene Hood in regard to the issue of no overnight parking at the state park. He said she told him that she planned to meet with her superiors to discuss a possible designated parking area for the mooring holders to park. A brief discussion followed.

Ramp Project – Stu reported the Planning Board meets next month to hold a public hearing and act on the project proposal. He said the State of Maine Bureau of Parks and Lands had requested that the permit fee be waived. He said there is no authority in the ordinance to waive permit fees, but the Harbor Fund has enough money to transfer to cover the fees. He said since the mooring users have been instrumental in requesting the ramp improvements, this would be an appropriate use of the Harbor Fund, and he would recommend that. Gary moved to transfer money from the Harbor Fund to cover the Site Plan Review and Shoreland Zoning permit fees. Heather 2nd. **Vote in favor was 5-0.**

Commercial Fishing Pier – Gary said the correspondence from the State of Maine would indicate the proposal from earlier this year is going nowhere. Nathan said he thought the proposal was for a public use area. Gary read a synopsis of the state response. There was a brief discussion. Stu said Carter Newell who had proposed the idea may still pursue it, and the only role of the Selectmen was to lend political support.

Appointments – There was a brief discussion about whom to appoint to the Planning Board to replace Gordon Donaldson's seat. Nathan moved to name Richard McMullen. Heather 2nd. Kathleen Rybarz questioned whether Mr. McMullen's relationship with those in the gravel industry would affect his ability to make a decision. There was a discussion about conflicts of interest. **Vote in favor was 5-0.**

Bernie moved to appoint the following slate of town officials:

Position	Appointee	Expiration Date
Town Clerk	Jennifer Kovacs	June 30, 2016
Tax Collector	Jennifer Kovacs	June 30, 2016
Excise Tax Collector	Jennifer Kovacs	June 30, 2016
Deputy Treasurer	Jennifer Kovacs	June 30, 2016
Administrative Assistant	Stuart Marckoon	June 30, 2018
Treasurer	Stuart Marckoon	June 30, 2018
Deputy Town Clerk	Stuart Marckoon	June 30, 2016
Emergency Management Director	Stuart Marckoon	June 30, 2018
Deputy Tax Collector	Stuart Marckoon	June 30, 2016
Deputy Excise Tax Collector	Stuart Marckoon	June 30, 2016
General Assistance Administrator	Stuart Marckoon	June 30, 2018
Road Commissioner	Stuart Marckoon	June 30, 2016
Addressing Coordinator	Stuart Marckoon	June 30, 2018
Deputy Fire Warden	Stuart Marckoon	June 30, 2016
Health Officer	Cecilia Ohmart	June 30, 2018
Animal Control Officer	Shannon Byers	June 30, 2016
Fire Chief	George Smith	June 30, 2016
Fire Warden	George Smith	June 30, 2016
Transfer Station Manager	Chris Meyer	June 30, 2016
Interim Code Enforcement Officer	Millard Billings	Until filled
Interim Plumbing Inspector	Millard Billings	Until filled
Harbor Master	David Herrick	June 30, 2016
Deputy Harbor Master	Kevin Murphy	June 30, 2016
Board of Appeals Member	Constance Bender	June 30, 2018
Board of Appeals Member	Cecilia Ohmart	June 30, 2018
Budget Committee Member	Cecilia Ohmart	June 30, 2018
Parks Commissioner	Douglas Jones	June 30, 2018
Technology Advisory Committee	William Butler	June 30, 2018
Recreation Committee	Elie Khoury	June 30, 2018
Heating Assistance Committee	Jane Fowler	June 30, 2016
Heating Assistance Committee	Kathryn Gaianguet	June 30, 2016
Heating Assistance Committee	Walter Grenier	June 30, 2016

Nathan 2nd. **Vote in favor was 5-0. Selectmen signed the appointment papers.**

There was a brief discussion about openings on the Parks Commission

Contracts – Jo moved to approve the proposed contract with Jennifer Kovacs as Town Clerk/Tax Collector with a sick time donation document. Nathan 2nd. **Vote in favor was 5-0.**

Jo moved to sign a contract with Shannon Byers as Animal Control Officer. Heather 2nd. **Vote in favor was 5-0.**

Gary moved to sign a contract with Chris Meyer as Transfer Station Manager. Heather 2nd. **Vote in favor was 5-0.**

Jo moved to sign a contract with Stuart Marckoon as Administrative Assistant to the Selectmen. Heather 2nd. Stu noted there is a proposed change to the contract to vest one half of expired, unused vacation time. Heather said that's not unusual. **Vote in favor was 5-0.**

Pest Control – Stu reported there are critters in the ceiling and walls that he hears from time to time. He suggested getting Modern Pest back for another treatment. He said they were here a few years ago, and it might be time again. Heather moved to engage Modern Pest. Nathan 2nd. **Vote in favor was 5-0.**

Road Projects – Stu proposed three projects be added to the list of previously approved projects. They include grading up Berry Cove Road properly, trimming the trees on Gully Brook Road, and crack sealing Buttermilk Road. He noted funds for those projects were approved on the previous encumbrance order. Bernie moved to approve the projects. Gary 2nd. **Vote in favor was 5-0.**

Audit – Gary signed the audit engagement letter with Jim Wadman.

Resignation – Jo moved to accept the resignation of Timothy Jordan from the Recreation Committee with regret. Heather 2nd. **Vote in favor was 5-0.**

State Valuation Report – Stu noted that the printed report with tonight's material shows the first proposed increase in the town's total state valuation in several years.

Ellsworth Household Hazardous Waste Collection – Stu said he put the information about the collection in the packet for tonight, but is not recommending participation. He said the town participates in the MDI collection which will be on September 26, 2015. He said the cost to participate in the Ellsworth collection is pretty steep.

Vacation Time / Holiday Schedule – There was a brief discussion about the office hours around the Independence Day holiday. Stu said he would work the morning of July 3, 2015, though it's in both his and the town clerk's contract that when a holiday falls on a weekend, the office is closed either on Friday or Monday. He said normally the office would be open on that Saturday, but there is no sense to be open July 4th

The remainder of the memorandum handed to the Board this evening was a request for vacation time. There was no discussion and no objection to the proposed vacation time for Stu in July and August.

Camping/Lamoine Beach – Stu reported he had received a couple of calls regarding a party that was apparently camping at Lamoine Beach, so he paid the camper a visit earlier in the day and advised that it was not a campground. He said the person was cooperative and said they would move their RV by dark. He said he planned to double

check on that after the meeting. (note – the RV was not present at Lamoine Beach park after the meeting).

Other – Comprehensive Planning – Mike Jordan asked if he could be an alternate on the Comprehensive Planning Committee, since he would no longer be a staff liaison. Jo said that could be discussed with the Comp Plan Committee. Stu said the committee's next meeting is the same evening as the Selectmen, and perhaps they would stick around to meet with the Selectmen. He said he would ask Fred Stocking if that might be possible.

There being no further business, the meeting adjourned at 8:55 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen